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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7841 OF 2005

Shirur Nagar Parishad ... Petitioners

V/s

R.B. Gaikwad & anr. ... Respondents

Smt. Meena H. Doshi for the petitioners.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 2ND JULY, 2007.

P.C.:

1. The petitioners have challenged the award of the Labour Court in Reference (IDA) No. 138 of 1993. By this award, the petitioners have been directed to provide work to the respondent workman on daily wages on a temporary basis. The Labour Court has found that the order of appointment of the respondent workman was issued by the President of the petitioner Municipality, whereas, the order of termination of his services was issued by the Chief Officer. The labour Court has held that there was no rule or provision of law brought on record by the petitioners to show that the Chief officer had the power to terminate the services of the respondent workman. The labour Court has also found

that there was no evidence on record to indicate that the post on which the respondent workman was working was not sanctioned. Apart from this, the labour Court was of the view that since the respondent workman was appointed as a Helper to the Street Lighter, he should be assigned the job of a Helper to any other post.

2. The submission of the learned counsel for the petitioners that there is no evidence on record to prove that the respondent workman had worked for 240 days in service, need not be considered since the labour Court has not granted permanency to the respondent workman. The other submission made on behalf of the petitioners that the respondent workman could not be regularized in the post since the Supreme Court in the case of **State of U.P. v/s Neeraj Awasthi & ors., reported in (2006) 1 SCC 667** had frowned on back door appointments in public institutions.

3. In the present case, the labour Court has merely directed that the respondent workman should be assigned work on a temporary basis as a helper. There is no order either making the first respondent workman permanent or regularising him in the post nor is there any order to pay back wages or a direction that the respondent was entitled to continuity of service.

4. There is no infirmity in the award of the Labour Court.

5. Writ petition is rejected.

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